IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 731 of 1998

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16.9.1997 in WP.NO.10220 of 1996 on the file of the High Court.)

Between:

K.Ramakrishna Reddy, S/o. Bayya Reddy,

Fair Price Shop Dealer, T.N.Kuppam village,

Baireddypalle Mandal, Chittoor.

..... APPELLANT

AND

1. Government of Andhra Pradesh represented by its

Secretary, Food and Civil Supplies Department,

Hyderabad.

2. The Joint Collector, Chittoor.

3. The Sub-Collector, Madanapalle, Chittoor District.

4. The Mandal Revenue Officer, Baireddypalle,

Chittoor District.

.....RESPONDENTS

Counsel for the Appellant:MR.K.G.KRISHNA MURTHY
Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

.....REGISTRAR

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ORAL JUDGMENT: (By GB.J.)

The Writ Appeal is filed against the order passed by the learned single Judge in Writ Petition No.10220 of 1996, dated 16.9.1997.

2. The appellant was a Fair Price Shop Dealer for a considerable length of time. However, he was elected as Sarpanch in June, 1995. Basing on the Circular Clarification issued by the Government, his Fair Price Shop Dealership was cancelled by the 3rd respondent-The Sub-Collector, Madanapalle, Chittoor District on 12.4.1996. Against the said order, he filed an appeal before the 2nd respondent-The Joint Collector, Chittoor. However, when the appellate authority refused to grant interim stay, he filed the above Writ Petition and the said Writ Petition was disposed by the learned single Judge with the following observation:

> "Following the said order, the petitioner in this Writ Petition is given option to submit his resignation from the post of Sarpanch within two weeks from today and on that condition he shall be allowed to continue as Fair Price Shop dealer. It is also open to the petitioner to relinquish and surrender his authorization, if he so chooses to continue as Sarpanch. If the petitioner fails to exercise the option and submit his resignation as Sarpanch of T.N.Kuppam village, she shall cease to be the authorized dealer of the Fair Price Shop in question on expiry of the period of two weeks from today".

Against the said order, the present Writ Appeal has been filed.

3. We have heard the learned counsel for the appellant and also the learned Government Pleader for Civil Supplies.

4. We are not inclined to go into the merits of the case inasmuch as the appeal

is still pending before the 2nd respondent. Even though the learned counsel for the appellant submits that the Circular Clarification has only prospective effect and it do not cover the persons who were already holding the Fair Price Shop Dealership and elected as Sarpanchas and it will apply only to the candidates who were elected as Sarpanchas subsequent to the clarification, we are not inclined to go into that aspect also as it is for the appellate authority to consider the same and pass appropriate orders.

5. Accordingly the Writ Appeal is disposed of directing the 2nd respondent to dispose of the appeal filed by the appellant within a period of two (02) months from the date of receipt of a copy of this order after giving due opportunity to both sides. No costs.

(G.BIKSHAPATHY, J.)

29th November, 2004.

(B.SESHASAYANA REDDY, J.)

SSR